

**Effective 3/28/2016**

**63G-6a-606 Evaluation of bids -- Award -- Cancellation -- Rejecting a bid.**

- (1) A procurement unit that conducts a procurement using a bidding standard procurement process shall evaluate each bid using the objective criteria described in the invitation for bids, which may include:
  - (a) experience;
  - (b) performance ratings;
  - (c) inspection;
  - (d) testing;
  - (e) quality;
  - (f) workmanship;
  - (g) time and manner of delivery;
  - (h) references;
  - (i) financial stability;
  - (j) cost;
  - (k) suitability for a particular purpose;
  - (l) the contractor's work site safety program, including any requirement that the contractor imposes on subcontractors for a work site safety program; or
  - (m) other objective criteria specified in the invitation for bids.
- (2) Criteria not described in the invitation for bids may not be used to evaluate a bid.
- (3) The conducting procurement unit shall:
  - (a) award the contract as soon as practicable to:
    - (i) the responsible bidder who submits the lowest responsive bid that meets the objective criteria described in the invitation for bids; or
    - (ii) if, in accordance with Subsection (4), the procurement officer or the head of the conducting procurement unit rejects a bid described in Subsection (3)(a)(i), the responsible bidder who submits the next lowest responsive bid that meets the objective criteria described in the invitation for bids; or
  - (b) cancel the invitation for bids without awarding a contract.
- (4) In accordance with Subsection (5), the procurement officer or the head of the conducting procurement unit may reject a bid for:
  - (a) a violation of this chapter by the bidder who submitted the bid;
  - (b) a violation of a requirement of the invitation for bids;
  - (c) unlawful or unethical conduct by the bidder who submitted the bid; or
  - (d) a change in a bidder's circumstance that, had the change been known at the time the bid was submitted, would have caused the bid to be rejected.
- (5) A procurement officer or head of a conducting procurement unit who rejects a bid under Subsection (4) shall:
  - (a) make a written finding, stating the reasons for the rejection; and
  - (b) provide a copy of the written finding to the bidder who submitted the rejected bid.
- (6) If a conducting procurement unit cancels an invitation for bids without awarding a contract, the conducting procurement unit shall make available for public inspection a written justification for the cancellation.

Amended by Chapter 355, 2016 General Session